IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO 7029 OF 2005
IN
CRIMINAL APPEAL NO. 453 OF 2005

Rajesh Shankar Chavan ..Applicant/
Appellant

Vs.

State of Maharashtra and Anr. ..Respondents.

Mr. Vikas Savarkar with Mr. S.L. Patil for the applicant.

Shri S.S. Padnekar, A.P.P. for State.

CORAM : SMT. RANJANA P. DESAI &
ANOOP V.MOHTA JJ.

DATE : 21ST OCTOBER, 2005.

P.C.

. The appellant is original accused 1 in Sessions case No.46 of 2004. He was convicted along with original accused 2 for the offence under section 302 r/w section 34 of Indian Penal Code and sentenced to suffer R.I. for life. His appeal has been admitted, today we are considering his bail application.

2. On 17/10/2005 we have released accused 2 by recording our prima facie observations, that out of six circumstances, three circumstances alleged by the

prosecution against him were not proved. So far as the present applicant/appellant is concerned, the circumstances against him are that he was last seen in the company of the deceased on the fateful night, detection of petrol residue on partially burnt clothes of deceased Vinod and on pocket diary, which was recovered from him and finding of human blood on his shirt and his subsequent conduct of false explanation about deceased Vinod. So far as recovery of pocket diary and seizure of clothes is concerned, panch witness has turned hostile. In the cross-examination of P.W. 7, Kishor Jadhav, brother of the deceased, a material omission is brought on record. It appears that he has not stated before the police that the appellant met him and told him that the deceased had left for Gujrat. Prima facie therefore, it is difficult to believe this witness. In view of this, we are of the opinion that the applicant who is 23 years old and who has no antecedents, should be released on bail. Hence, following order.

. Appellant/applicant Rajesh Shankar Chavan is ordered to be released on bail in the sum of Rs. 5000/-

with one or two sureties to make up the amount. While on bail, the appellant/applicant shall attend the Panchavati Police Station, Nasik once in a month. Application is disposed of.

(SMT. RANJANA P.DESAI, J)

[ANOOP V. MOHTA, J.]